



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2168/18

Appeal by Becks Incorporated care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 19th day of June, 2018 by Dublin City Council to grant subject to conditions a permission to Green Sea Property Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Planning register reference number 1461/08 (for which Dublin City Council issued an Extension of Duration of Permission under register reference number 1461/08/X1 on the 3rd day of July, 2013 to the 3rd day of July, 2018) facilitates the development of a mixed-use scheme comprising a business centre, restaurant, wellness centre, museum, doctor's surgery, and residential unit on the subject site including inter alia a four-storey extension over two basement levels to the rear of numbers 4-7 Hume Street (on a site measuring 0.178 hectares). Development on foot of that permission commenced, comprising the demolition of structures on all floor levels (basement level -1 to third floor level) all to the rear of numbers 3-8 Hume Street.

Furthermore, planning register reference number 2718/15 facilitates conservation and refurbishment works to numbers 3-8 Hume Street (inclusive) (on a site measuring 0.152 hectares). Development on foot of that permission commenced comprising inter alia façade renewal works to existing brickwork and rendered facades, repair/renewal/conservation of metal railings, ironwork, granite railing plinths, front light well enclosure, wall masonry and reinstatement of cast-iron rainwater goods. The elements of the two permitted developments will be incorporated into the current proposal as appropriate. (Conservation repair works were also carried out under a Section 59 Endangerment Notice (reference number E0115/11) in respect of numbers 3-8 Hume Street). The development for which permission is sought will consist of: the change of use of numbers 3-8 Hume Street (inclusive) to provide office accommodation (measuring 2,972 square metres) on all floor levels (basement level -1 to third floor level), commercial art gallery and ancillary accommodation (measuring 183 square metres) at part of the ground floor level of numbers 3 and 4 Hume Street and basement level -1 of number 3 Hume Street, and restaurant and ancillary accommodation (measuring 346 square metres) at basement level -1 of numbers 6-8 Hume Street (inclusive); and the change of use of number 16 Ely Place at ground floor level from doctor's surgery to residential use, resulting in the provision of a single residential unit (basement level -1 to third floor levels) (measuring 361 square metres). The development will also consist of permission for demolition of a three-storey over basement level structure to the rear of number 4 Hume Street (measuring 527 square metres gross floor area); and boundary wall along Bell's Lane to the rear of numbers 4-7 Hume Street (inclusive) and side of number 16 Ely Place. The development will also consist of permission for works to the external and internal original fabric of numbers 3-8 Hume Street (inclusive): alterations (including modification, infill and reinstatement) to opes (internal and external) at basement level -1 to third floor levels at numbers 3 to 8 Hume Street (inclusive); creation of new internal opes at first and third floor levels only at number 3 Hume Street; modifications to internal partition walls (including new, reinstatement and removal) at basement -1 to third floor levels

at numbers 3 to 8 Hume Street (inclusive); alterations at roof level, including the provision of new rooflights, at numbers 3, 4, 7 and 8 Hume Street; alterations to existing roof to accommodate extensions to the rear at numbers 3, 7 and 8 Hume Street; removal of modern security railings in the portico along the north-eastern elevation at ground floor level at numbers 3 and 4 Hume Street; alteration of existing gate and railings to provide access to a proposed platform lift at number 3 Hume Street, provision of new gates and an external access ramp at ground floor level at numbers 4 and 5 Hume Street, and alterations of existing gate and railings and provision of a new external stair (between basement level -1 to ground floor level) at number 8 Hume Street; provision of internal secondary screens to existing windows on the north-eastern elevation (ground floor level to third floor levels) at numbers 3 to 8 Hume Street (inclusive), the south-western elevation (second and third floor levels) at number 8 Hume Street, and the south-eastern elevation (ground to third floor levels) at number 8 Hume Street; upgrade of existing windows on the north-eastern elevation (basement level -1) at numbers 3 to 8 Hume Street (inclusive) and the south-western elevation (second and third floor levels) at numbers 4 to 7 Hume Street (inclusive); alteration of existing plinths at ground floor level at numbers 3, 5 and 6 Hume Street; provision of an internal ramp at ground floor level at number 5 Hume Street; provision of new internal stairs (between basement level -1 and ground floor level) at numbers 3, 4 and 6 Hume Street; sub-division of existing internal stairs (between basement -1 and ground floor level and between ground floor level and first floor level) at number 3 Hume Street; removal of external surface-mounted services on the south-western elevation at numbers 3-8 Hume Street (inclusive); alterations to accommodate atrium and bridge extensions at ground to third floor levels to the rear of numbers 4-7 Hume Street (inclusive); construction of a four-storey over basement level extension (297 square metres gross floor area) to the rear of number 3 Hume Street; construction of a four-storey over basement level extension (measuring 115 square metres gross floor area) to the rear of number 8 Hume Street; and improvements to the fire protection of escape routes including upgrading of doors, lighting,

services installation, signage, fire detection and alarm systems and strengthening of floors at numbers 3-8 Hume Street (inclusive). The development will also consist of a new four-storey extension over three basement levels with water storage tank and lift pits below (measuring 3,587 square metres gross floor area) to the rear of numbers 4-7 Hume Street (inclusive) with a set-back on the south-eastern elevation at first floor level with drainage green terrace. The extension, which will be connected to the original buildings with a glazed atrium and internal bridges, will accommodate car parking (12 number car parking spaces) and bicycle parking at basement level -3; office accommodation and ancillary facilities at basement level -2; office accommodation, a landscaped courtyard and a covered atrium at basement level -1; office accommodation from ground floor level to third floor levels; and rooflights, plant, and a drainage green terrace at roof-top level. Ancillary space including areas such as circulation cores (lifts and stairs), shower facilities, waste storage, plant areas throughout the extension, electrical substation, switch-room, and car lift are also proposed. The development will also consist of the provision of new rear and side boundary walls; hard and soft landscaping works including boundary treatment works; changes in level; and all other associated site excavation and site development works above and below ground. The development for which retention permission is sought consists of: works carried out during the process of repair and restoration of the structural stability of numbers 3-8 Hume Street (inclusive) comprising reconstruction of masonry walls, the removal of internal walls and stairs; the creation of new openings and widening of existing openings (internally, and externally to the rear) at numbers 3-8 Hume Street (inclusive); and alterations to existing openings and internal minor alterations to the modern fabric of number 16 Ely Place. The proposed development will result in a mixed-use scheme with a total gross floor area of 7,449 square metres including three basement levels (6,559 square metres office use, 346 square metres restaurant floor use, 361 square metres residential use, and 183 square metres commercial art gallery use), all on a site of circa 0.178 hectares at numbers 3-8 Hume Street, Dublin (the

former Hume Street Hospital), and number 16 Ely Place, Dublin, all of which are designated Protected Structures.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the zoning provisions contained in the Dublin City Development Plan 2016-2022 which seeks to protect the existing architectural and civic design character of the subject site and its surroundings, it is considered that the proposed development which involves the refurbishment and reuse of existing protected structures fronting onto Hume Street together with the layout, form, mass, height and material finishes associated with the proposed four-storey office development to the rear, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area or of property in the vicinity, and would not adversely affect the character and setting of the Protected Structures, would not be prejudicial to public health and would be generally acceptable in terms of pedestrian and traffic safety. The proposed development would, otherwise, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and carried out and completed (as applicable) in accordance with the plans and particulars lodged with the application as amended by the further information received by the planning authority on the 23rd day of May, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained, carried out and completed in accordance with the agreement particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Details of the proposed materials, textures and colours of all proposed external finishes, including details of the durability and weathering capacities of such materials, shall be submitted to and agreed in writing with the planning authority prior to commencement of construction. A panel displaying samples shall be displayed on site following demolition and site clearance.

Reason: In the interest of clarity and the visual amenities of the area.

4. The restaurant shall be for the sale of food and meals for consumption on the premises. Any subsequent change of use including use for take-away food or for the sale of hot food for consumption off the premises shall be the subject of a separate planning application.

Reason: In the interest of orderly development and to allow the planning authority to assess any such change of use through the statutory planning process.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. A plan containing details for the management of waste (and in particular recyclable materials) within the development including the provision of facilities for storage, separation and collection of the waste and in particular recyclable materials for the on-going operation of these facilities shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

Reason: To provide the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

8. Site development and construction works shall be confined to the hours of 0700 to 1800 hours Mondays to Fridays excluding bank holidays and 0800 hours to 1400 hours on Saturdays and not at all on Sundays. Deviation from these times will be only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of amenity and clarity.

9. The following details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
 - (a) Details of the appointment of a contractor and a construction management transport plan. This plan shall provide details of the intended construction practice for development including traffic management, hours of working, noise management measures and off-site disposal of construction and demolition waste.
 - (b) Details of traffic management on and off the site via Bell's Lane.

- (c) Details of all car parking space contracts. Car parking spaces shall be permanently allocated to the proposed uses and shall not be sold, rented or otherwise sublet or leased to other parties.
- (d) Details of all cycle parking on the subject site.
- (e) Details regarding the implementation of the measures outlined in the mobility management plan submitted with the application. A mobility manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.

Reason: In the interest of orderly development.

10. The following requirements of the planning authority shall be complied with -
- (a) No construction or site preparation work shall be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.
 - (b) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, boreholes and engineering test pits, carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.
 - (i) The archaeological and historical background of the site, to include industrial heritage.

- (ii) A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments.
 - (iii) The nature, extent and location of archaeological material on site by way of archaeological testing and/or monitoring of the removal of overburden.
 - (iv) The impact of the proposed development on such archaeological material.
- (c) The archaeologist shall forward their Method Statement in advance of commencement to the planning authority.
- (d) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services and drains. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

- (e) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the planning authority in advance regarding the procedure to be adopted in the assessment.
- (f) Two copies of a written report and a digital report (on compact disc) containing the results of the archaeological assessment shall be forwarded on completion to the planning authority. The planning authority (in consultation with the City Archaeologist and the National Monuments Service, Department Arts, Heritage and Gaeltacht, shall determine the further archaeological resolution of the site.
- (g) The developer shall comply in full with any further archaeological requirements, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.
- (h) The developer shall make provision for archaeological excavation in the project budget and timetable.
- (i) Before any site works commence the developer shall agree the foundation layout with the planning authority.
- (j) Following submission of the final report to the planning authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), and lodged with the Dublin City Library and Archive.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. The developer shall comply with the following conservation requirements of the planning authority.
 - (a) A conservation architect shall be employed to design, manage, monitor and implement the works on site and to ensure that adequate protection of the retained and historic fabric during the works. In this regard all permitted works shall be designed to cause minimum interference to the existing protected structures and façades of the said structures.
 - (b) All works to the protected structures shall be carried out in accordance with best conservation practice and the “Architectural Heritage Protection Guidelines for Planning Authorities” and any advice series issued by the Department in respect of architectural, heritage protection and conservation. Any repair works shall retain the maximum amount of surviving historic fabric in situ including structural elements, plasterwork (plain or decorative) and joinery. Items to be removed for repair off-site shall be recorded prior to removal catalogued and numbered to allow authentic reinstatement.
 - (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards shall be protected during the course of refurbishment.

- (d) All repair of the original fabric shall be scheduled and carried out by appropriately experience conservation experts of historic fabric, and reference is made in particular to the external stonework, replacement windows, brickwork, decorative plasterwork, and joinery. Full repair and reinstatement schedules (conditions, surveys, specifications and methodologies) shall be submitted to and agreed in writing with the planning authority prior to commencement of development to avoid loss or damage to the original fabric and to ensure that the character of this protected structure is not altered.
- (e) Samples of materials and exemplars of site workmanship in respect of repairs and restoration to be carried out shall be submitted to and agreed in writing with the planning authority including repointing of the rear façade and any granite repairs.
- (f) The developer shall submit a schedule of repairs to all surviving historic fabric associated with the protected structures including plasterwork, joinery, doors and any flooring to the planning authority for its consent in advance of work commencing.
- (g) Full details of all connections proposed between the protected structures and the glazed atrium on a scale of 1:20 shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (h) A record of completed works including key drawings, details and selected photographs to be submitted to the local authority conservation section and to the Irish Architectural Archive.

Reason: To ensure that the integrity of the protected structures is maintained during the course of the work carried out.

12. The developer shall carry out a pre-condition survey of all contiguous properties adjoining the subject site. This survey will include an external and internal examination of the properties subject to landowner's consent. Details of the pre-condition survey shall be submitted to the planning authority prior to any works commencing on site.

Reason: To ensure the structural integrity of adjoining structures are maintained.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

15. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.